IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of: Docket No.: P12541

Abbas CHAKERA

Serial No.: 09/960,474 Group Art Unit: 2642

Filed: September 24, 2001 Examiner: Marie C. Ubiles

For: **CALL-ASSOCIATED DATA TRANSFER AMONG MULTIPLE TELECOMMUNICATION SWITCHES**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. §41.37 (a)

Sir:

Appellants have filed a timely Notice of Appeal from the Final Office Action, on February 4, 2005. A single copy of this brief is provided pursuant to 35 U.S.C. § 41.37(a).

A check in the amount of $620.00 is attached hereto to cover the fee for filing this appeal brief. If extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § § 1.136(a), and any fees required therefor (including any additional fees for filing of the Appeal Brief) are hereby attached. Please charge any additional fee(s) or underpayment of fee(s) under 37 CFR § § 1.16, 1.17, 1.18 and 1.20. to Intel Corporation Deposit Account 02-2666, and credit any overpayments.

REAL PARTY IN INTEREST

The real party in interest in this appeal is Intel Corporation, assignee of the entire interest in the above-identified application.

RELATED APPEALS AND INTERFERENCES

The Appellants, their legal representatives and the Assignee are not currently aware of any appeal that may directly affect or be indirectly affected by or have some bearing on the Board's decision in this appeal. Attached hereto is a Related Proceedings Appendix showing no related appeals or interferences.

STATUS OF THE CLAIMS

Claims 1, 3-9, and 12-20 are currently pending.

Claims 2 and 10-11 have been canceled.

Claims 1, 3-9 and 12-20 are currently rejected.

Claims 1, 3-9, and 12-20 are the subject of this appeal.

The claims in issue are attached in the "Claims Appendix" attached herewith.

STATUS OF AMENDMENTS

All prior amendments to the application are believed to have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

The invention recited by claim 1 is directed to a telecommunication system comprising:

a first type of telecommunication switch **(Fig. 1, 16)**;

a first server **(Fig. 1, 20)** coupled to said telecommunication switch, the first server to retrieve call-associated data comprising details of a customer account **(page 1, lines 27-30)**;

a second type of telecommunication switch **(Fig. 1, 18)**, to receive a call **(Fig. 1, 14)** transferred from the first type of telecommunication switch **(Fig. 1, 16)**;

a second server **(Fig. 1, 22)** coupled to said second type of telecommunication switch **(Fig. 1, 18)**, said second server **(Fig. 1, 22)** to determine a source of the transferred call as being the first server by an area code prefix **(page 5, line 21)** ; and

a data network link **(Fig. 1, 31)** coupled between said first server and said second server, the second server to request the call associated data from the first server **(Fig. 2, 108)**.

Independent Claim 9

The invention recited in claim 9 is directed to a method of receiving call-associated data of a telephone call received by a first type of telephone switch **(Fig. 1, 16)**, said method comprising:

retrieving call-associated data based on automatic number identification (ANI) of the telephone call by a first server connected to the first type of telephone switch **(Figure 2, 100-200)**;

transferring the telephone call to a second type of telephone switch having a second server connected thereto **(Figure 2, 104)**;

said second server determining a source of the transferred telephone call as being the first server by an area code prefix **(Figure 2, 102; Page 5, lines 20-21)**;

requesting the call-associated data from a first server coupled to said first type of telephone switch, the call-associated data comprising details of a customer account **(Fig. 2, 108)**; and

receiving the call-associated data at a second server coupled to said second type of telephone switch **(Fig. 2, 110)**.

Independent Claim 17

The invention recited in claim 17 is directed to a method of operating a telecommunication system comprising:

receiving a telephone call at a first type of telephone switch **(Fig. 2, 100)**;

retrieving call-associated data about the telephone call at a first server coupled to said first type of telephone switch based on automatic number identification (ANI) of the telephone call **(Fig. 2, 102; Page 5, lines 20-21)**;

transferring the telephone call to a second type of telephone switch **(Figure 2, 104)**;

determining a source of the telephone call at a second server coupled to said second type of telephone switch via an area code prefix **(Figure 2, 102; Page 5, lines 20-21)**; and

requesting the call-associated data from said first server, the call-associated data comprising details of a customer account **(Fig. 2, 108)**.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 3-5, 7-9, 12, and 14-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,229,888 to Miloslavsky in view of U.S. Patent 5,335,268 to Kelly, Jr. et al (Kelly).

2. Claims 6 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,229,888 to Miloslavsky, the article to Brady (Virtual Help Desks Enhance Call Center Service, October, 1988), further in view of U.S. Patent 5,335,268 to Kelly, Jr. et al (Kelly).

ARGUMENT

REJECTION UNDER 35 U.S.C. 103(a)
Claims 1, 3-5, 7-9, 12, and 14-19

Appellants appeal the rejection of all pending claims, which is based on the Examiner's position that the claimed invention is obvious over the teachings of Miloslavsky in view Kelly.

This position reflects a basic misunderstanding and misapplication of patent law and the MPEP, and Appellants submit not only that the claimed apparatus is patentable distinct from that disclosed by the prior art, but also that the various phrases and limitations in the claims are to be given patentable weight.

Briefly, the present invention addresses the problem of transferring call associated data (such as customer reference numbers, customer ordering history, credit information, etc.) among multiple telecommunication switches. As explained in the background section, when a call is received by a call center, the caller's (i.e. customer's) call associated data is retrieved by a first server based on, for example, the caller's Automatic Identification Number (AIN). This information may then be presented on an agent's screen during the call. Unfortunately, if the call was transferred to anther service center, for example using a different type of PBX switch, the call associated data did not follow. Thus that agent would not have benefit of this information as he spoke to the customer.

According to embodiments of the invention a telecommunication system and includes a first type of telecommunication switch and a first server coupled to the telecommunication switch. The system further includes a second type of telecommunication switch and a second server coupled to the second type of telecommunication switch. A data network link 31 coupled between the first server and the second server allows call-associated data to be transferred between servers when a telephone call is transferred from the first type of telecommunication switch to second type of telecommunication switch.

Further, as recited in the claims, and as shown in Figure 2, the second server 22 has to request the "call associated data" from transferring server. According to embodiments, the second server uses the area code information from the transferred call to determine which other server to request the data from (in this case server 20) over a link 31.

In the final Office Action on page 4, the Examiner acknowledges that Miloslavsky lacks the limitations of *"the first server to retrieve call-associated data comprising details of a customer account"*. Nor does it teach *"said second server to determine a source of the transferred call as the first server by an area code prefix"*. Nor does it teach *"the second server to request call associated data from the first server"*. Nor does it teach *"retrieving call associated data based on AIN of the telephone call by a first server connected to the first server type of telephone switch and "[a second type of telephone switch] having a second server connected thereto"*.

The Examiner has in essence acknowledged that Miloslavsky does not teach most of the features recited in the independent claims. Yet, he continues to maintain the rejection under Section 103 as being *prima facie* obvious further in view of Kelly which is relied upon merely determining the geographic location of a calling party by an area code.

In the Advisory Action, the Examiner suggests that he improperly used the term "lacks the limitations" on page 4 of the Office Action, but that on page 5 of the Final Office Action, the Examiner suggests his support that Miloslavsky does teach the claimed limitations.

However, on page 5 of the final Office Action, the Examiner relies on column 8, lines 22-31 to teach sending customer related information from a first call center to a second call center. However, from this passage, it is shown that the telephone switches in Miloslavsky's system are of the same type. Thus, when a call is transferred, the call associated data may be also transferred. In contrast, Appellant's claimed invention is directed to the situation where the switches in the two call centers are not the same type. Indeed, as shown in Appellant's Figure 1, the first type switch is designated switch "type X", and the second type switch is designated switch "type Z" to illustrate that the switches are different. In this case, as explained in Appellant's Background Section (page 2, lines 10-18), prior to the claimed invention the call associated data could not be transferred with the call. Hence, Appellant's claimed invention allows the second call

center to use the area code prefix of the call to determine the location of the first call center so it can thereafter request and retrieve the call-associated data.

Thus, the Examiner's original statement that Miloslavsky "lacks the limitations" of the claims is in fact an accurate statement. Since the call associated data is sent with the call in Miloslavsky there is no need for the second call center to use anything to determine the source of the call as claimed, since it doesn't matter.

Claims 1-8:

Claims 1-8 recite "a first type of telecommunication switch;... second type of telecommunication switch, to receive a call transferred from the first type of telecommunication switch;

a second server coupled to said second type of telecommunication switch, said second server to determine a source of the transferred call as being the first server by an area code prefix; and

a data network link coupled between said first server and said second server, the second server to request the call associated data from the first server."

Claims 9, 12-16:

Claims 9 and 12-16 recite "retrieving call-associated data based on automatic number identification (ANI) of the telephone call by a first server connected to the first type of telephone switch;

transferring the telephone call to a second type of telephone switch having a second server connected thereto;

said second server determining a source of the transferred telephone call as being the first server by an area code prefix....

Claims 17-20:

Claims 17-20 recite "receiving a telephone call at a first type of telephone switch;

retrieving call-associated data about the telephone call at a first server coupled to said first type of telephone switch based on automatic number identification (ANI) of the telephone call;

transferring the telephone call to a second type of telephone switch;

determining a source of the telephone call at a second server coupled to said second type of telephone switch via an area code prefix; and

requesting the call-associated data from said first server, the call-associated data comprising details of a customer account."

The Board will note that Miloslavsky is not directed the problems associated with transferring calls to centers with different types of switches. Nor, does it suggest a solution whereby the second call center can use an area code prefix to identify the source of the call so that it can thereafter request that call associated data be forwarded. Instead, Miloslavsky teaches a system where calls are transferred to centers having like switches allowing the call associated data to automatically be forwarded with the call. Thus, most

if not all, of Appellant's claimed limitations are lacking in Miloslavsky as originally stated by the Examiner.

The above notwithstanding, even when combined, Kelly is not related to Appellant's claimed invention. Indeed, Kelly is directed to a system for distributing or routing "special service numbers" (e.g. 800 and 900 numbers) to various call centers as a function of supply and demand. Column 4, line 26 appears to address the use of area codes, but it is clear that it uses the area code so that a data collector that collects call statistics can determine a "demand" from a given geographic area. This is unrelated to Applicant's claimed invention and does not cure any of that that which is lacking in Miloslavsky.

Claims 6 and 13:

With regard to claims 6 and 13, the Examiner has further relied on Brady merely to teach that a data link may be a TCP/IP link. However, these claims are dependent claims and the whether or not Brady teaches this, it does not cure the defects noted above with regard to Miloslavsky and Kelly and does not make a case for prima facie obviousness.

For an obviousness type rejection to be proper, the prior art relied on by the examiner must be analogous art and contain a suggestion or teaching of what is being claimed. Where references are being combined, the references must be related to the same subject matter and there must be a teaching in at least one of the references for the combination proposed by the examiner. The examiner cannot rely on the applicant's own

disclosure and combine the references based on this hindsight. To support a conclusion of *prima facie* obviousness, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the person of ordinary skill in the art would have found the claimed invention obvious in light of the teachings of the references. Ex Parte Clapp, 227 USPQ 972. The mere fact that the prior art could be modified as proposed by the examiner, absent a motivation to do so provided by the reference, does not support the rejection. In re Gordon, 221 USPQ 1125, 1127; In re Deminski, 230 USPQ 313, 315.

Here, neither Miloslavsky and Kelly, nor Miloslavsky and Kelly and Brady teach or suggest what is being claimed. It is thus requested that the Board reverse the Examiner with regard to claims 1, 3-9, and 12-20.

CONCLUSION

In summary, the primary reference to Miloslavsky does not teach or suggest the features of the claimed invention, namely transferring calls between centers with different switch types and thus does not determine the identity of the transferring center with an area code prefix, to thereafter request call associated data be sent. Indeed, since Miloslavsky uses the same types of switches, the data is automatically transferred with the call and thus there is no reason to determine to source of the call or to request call associated data be sent since it was already transferred. Neither Kelly nor Brady cure these defects even when combined with Miloslavsky nor are they relied upon for that purpose. Therefore, the references do not provide evidence that would support a conclusion of *prima facie* obviousness under 35 U.S.C. §103(a). Appellants thus respectfully submit that the rejections of claims 1, 3-9, and 12-20 are in error and that reversal is warranted in this case.

Date: 5-4-05

Respectfully submitted,

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CLAIMS APPENDIX

A copy of the claims involved in the appeal is provided below.

1 (Previously Amended). A telecommunication system comprising:

a first type of telecommunication switch;

a first server coupled to said telecommunication switch, the first server to retrieve call-associated data comprising details of a customer account;

a second type of telecommunication switch, to receive a call transferred from the first type of telecommunication switch;

a second server coupled to said second type of telecommunication switch, said second server to determine a source of the transferred call as being the first server by an area code prefix; and

a data network link coupled between said first server and said second server, the second server to request the call associated data from the first server.

2 (Cancelled).

3 (Previously Amended). The telecommunication system of claim 1, wherein the call-associated data is retrieved by said first server based on a telephone call to said first type of telecommunication switch.

4 (Original). The telecommunication system of claim 3, wherein said telephone call is received by said first type of telecommunication switch via a Public Switched Telephone Network.

5 (Original). The telecommunication system of claim 4, wherein said first server comprises a database, and said call-associated data is retrieved based on an automatic number identification of said telephone call.

6 (Original). The telecommunication system of claim 1, wherein said data network link is a Transmission Control Protocol/Internet Protocol link.

7 (Original). The telecommunication system of claim 1, wherein said first type of telecommunication switch and said second type of telecommunication switch are different types of private branch exchange switches.

8 (Original). The telecommunication system of claim 1, wherein said first server is coupled to said first type of telecommunication switch via computer telephony integration.

9 (Previously Amended). A method of receiving call-associated data of a telephone call received by a first type of telephone switch, said method comprising:

retrieving call-associated data based on automatic number identification (ANI) of the telephone call by a first server connected to the first type of telephone switch;

transferring the telephone call to a second type of telephone switch having a second server connected thereto;

said second server determining a source of the transferred telephone call as being the first server by an area code prefix;

requesting the call-associated data from a first server coupled to said first type of telephone switch, the call-associated data comprising details of a customer account; and

receiving the call-associated data at a second server coupled to said second type of telephone switch.

10-11 (Cancelled).

12 (Original). The method of claim 9, wherein said call-associated data is received at said second server from said first server via a data network link.

13 (Original). The method of claim 12, wherein said data network link is a Transmission Control Protocol/Internet Protocol link.

14 (Original). The method of claim 9, wherein said first type of telecommunication switch and said second type of telecommunication switch are different types of private branch exchange switches.

15 (Original). The method of claim 9, wherein said first server is coupled to said first type of telecommunication switch via computer telephony integration.

16 (Original). The method of claim 9, said first server comprises a database, and said call-associated data is retrieved based on an automatic number identification of said telephone call.

17 (Previously Amended). A method of operating a telecommunication system comprising:

receiving a telephone call at a first type of telephone switch;

retrieving call-associated data about the telephone call at a first server coupled to said first type of telephone switch based on automatic number identification (ANI) of the telephone call;

transferring the telephone call to a second type of telephone switch;

determining a source of the telephone call at a second server coupled to said second type of telephone switch via an area code prefix; and

requesting the call-associated data from said first server, the call-associated data comprising details of a customer account.

18 (Original). The method of claim 17, further comprising:

receiving the call-associated data at said second server over a data network link coupled to said first server.

19 (Original). The method of claim 18, further comprising:

storing the call-associated data at said second server.

20 (Previously Presented). The method of claim 17 wherein the details of a customer account comprises at least one of customer reference numbers, customer ordering history, and customer credit information.

EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 35 U.S.C. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).

NO.	EVIDENCE	BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER
1	N/A	N/A

RELATED PROCEEDINGS APPENDIX

Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith.

NO.	TYPE OF PROCEEDING	REFERENCE NO.	DATE
1	N/A	N/A	N/A